



California Regional Water Quality Control Board San Diego Region



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October 1, 2008

Certified Mail No. 7007 1490 0003 8753 5186
(return receipt requested)

Dr. William Moritz
14272 Jerome Drive
Poway, CA 92064

In reply refer to:
Order Regulatory Measure ID: 347272
CIWQS Place ID: 719044
Unit Initials: cmeans

CLEANUP AND ABATEMENT ORDER NO. R9-2008-0074
ADDENDUM NO. 1
MORITZ RESIDENCE
SITE LOCATION: 14272 JEROME DRIVE,
CITY OF POWAY, SAN DIEGO COUNTY

Dear Dr. Moritz:

Enclosed is Addendum No. 1 to Cleanup and Abatement Order (CAO) No. R9-2008-0074 (Order) of the California Regional Water Quality Control Board, San Diego Region (Regional Board). This addendum modifies the compliance dates in Directive Nos. 3, 4, and 6 of the CAO to reflect the proposed timeline presented in the September 18, 2008 *Amended Stream Restoration Plan for Moritz Property* (prepared by Geosyntec Consultants). The enclosed Order amends and supersedes the previous version of CAO No. R9-2008-0074.

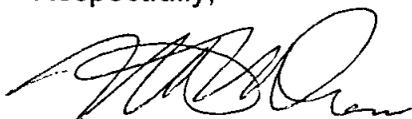
The Order is self-explanatory and effective immediately. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of the enclosed Order.

The Order is issued pursuant to California Water Code sections 13267 and 13304 and directs you to cleanup and abate existing and threatened pollution associated with the unauthorized discharge of fill material on your property by removing the sediment and rock that was discharged (Directive No. 4) and to document that cleanup in a report to the Regional Board (Directive No. 6). Failure to comply with the Order may subject you to substantial civil liability. I strongly urge a prompt and complete response to each directive in the Order.

California Environmental Protection Agency

Please contact Christopher Means at (858) 467-2726 or cmeans@waterboards.ca.gov if you have any questions regarding this matter.

Respectfully,



MICHAEL P. McCANN
Assistant Executive Officer

MPM:dtb:cc:cjm

CIWQS:

Violation ID	773793
CAO Regulatory Measure	347272

Enclosure: Addendum No. 1 to Cleanup and Abatement Order No. R9-2008-0074

cc:

Mr. Douglas J. Simpson
The Simpson Law Firm
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Coronado, CA 92118-3420

Ms. Kelly Fisher
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
4949 Viewridge Avenue
San Diego, CA 92123

Mr. Danis Bechter
Engineering Inspection Supervisor/NPDES Coordinator
City of Poway
13325 Civic Center Drive
Poway, CA 92064

Ms. Lisa A. Foster
City Attorney of Poway
460 North Magnolia Avenue
El Cajon, CA 92020

Mr. Robert Smith
U.S. Army Corps of Engineers
Regulatory Division
South Coast Branch, San Diego Section
6010 Hidden Valley Road, Ste. 105
Carlsbad, CA 92011

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. R9-2008-0074
ADDENDUM NO. 1

FOR

DR. WILLIAM MORITZ
14272 JEROME DRIVE
POWAY, CA 92064

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. Except as contradicted or superseded by the findings and directives set forth in this Cleanup and Abatement Order Addendum, (Addendum No. 1) all of the previous findings and directives of Cleanup and Abatement Order (CAO) No. R9-2008-0074 remain in full force and effect.
2. Directive No. 3 of CAO R9-2008-0074 provides:

By **July 31, 2008** develop and begin implementation a Stream Restoration Plan, prepared by a qualified professional with at least five years professional experience in stream restoration work, which addresses the actions that will be taken to restore the stream to its pre-project state and comply with the directives 4 & 5 of this order. The plan will be provided to the Regional Board prior to implementation, and if no comments are received from the Board within 1 week of receipt of the plan, immediately begin implementation of the restoration plan.

3. Directive No. 4 of CAO R9-2008-0074 provides:

By **September 30, 2008** cleanup and abate existing and threatened pollution associated with the unauthorized discharge of waste on your property by:

- a. Removing the waste including sand, silt, clay, rock or other earthen materials previously discharged to waters of the State;
- b. Restoring the elevations of the stream channel bottom and banks and floodplain to pre-discharge conditions;
- c. Realigning the stream channel to its pre-discharge location;
- d. Revegetate the restored stream with native vegetation along the banks in a manner to mimic the diversity and distribution of streams in the vicinity of the affected area;
- e. Removing the 24-inch HDPE drainage pipe and other associated structures; and;
- f. Removing the waste including sand, silt, clay, rock or other materials stored on land where it threatens to discharge to waters of the State.

4. Directive No. 6 of CAO R9-2008-0074 provides:

By **November 30, 2008**, submit a Cleanup and Abatement Report that clearly documents that the required on-site cleanup and abatement actions have been taken and that the stream is returned to pre-project conditions. The report shall include an estimation of the volume and aerial extent of the discharge and photographs of the remedial activities and completed cleanup conditions.

5. On August 15, 2008, Geosyntec Consultants, on behalf of Dr. Moritz, submitted a Conceptual Stream Restoration plan. The Regional Board reviewed and commented on the plan at an August 25, 2008 meeting. In response to the Regional Board comments, an Amended Stream Restoration Plan was submitted by Dr. Moritz on September 18, 2008, and accepted by the Regional Board on September 24, 2008.
6. Revision of the compliance dates in the directives is necessary to accommodate Dr. Moritz's need to obtain a grading permit from the City of Poway and a Streambed Alteration Agreement from the California Department of Fish & Game, which are both necessary for the stream restoration plan to be implemented. The revised compliance dates are in agreement with the timeline provided by Dr. Moritz in the September 18, 2008 *Amended Stream Restoration Plan for Moritz Property* (prepared by Geosyntec Consultants).
7. **CEQA EXEMPTION.** This enforcement action is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15321 (Enforcement Actions by Regulatory Agencies), Chapter 3, Title 14 of the California Code of Regulations

IT IS HEREBY ORDERED that CAO R9-2008-0018 is amended as follows:

1. Directive No. 3 shall be modified to read:

By ~~July 31, 2008~~ develop and October 24, 2008, begin implementation a of the September 18, 2008, Amended Stream Restoration Plan, (prepared by a ~~qualified professional with at least five years professional experience in stream restoration work~~ Geosyntec Consultants), which addresses the actions that will be taken to restore the stream to its pre-project state and comply with the directives 4 & 5 of this order. ~~The plan will be provided to the Regional Board prior to implementation, and if no comments are received from the Board within 1 week of receipt of the plan, immediately begin implementation of the restoration plan.~~

2. Directive No. 4 shall be modified to read:

By ~~September 30, 2008~~ **November 20, 2008** cleanup and abate existing and threatened pollution associated with the unauthorized discharge of waste on your property by:

- a. Removing the waste including sand, silt, clay, rock or other earthen materials previously discharged to waters of the State;
- b. Restoring the elevations of the stream channel bottom and banks and floodplain to pre-discharge conditions;
- c. Realigning the stream channel to its pre-discharge location;
- d. Revegetate the restored stream with native vegetation along the banks in a manner to mimic the diversity and distribution of streams in the vicinity of the affected area;
- e. Removing the 24-inch HDPE drainage pipe and other associated structures; and;
- f. Removing the waste including sand, silt, clay, rock or other materials stored on land where it threatens to discharge to waters of the State.

3. Directive No. 6 shall be modified to read:

By ~~November 30, 2008~~ **December 22, 2008**, submit a Cleanup and Abatement Report that clearly documents that the required on-site cleanup and abatement actions have been taken and that the stream is returned to pre-project conditions in accordance with Directive No. 4 of the CAO. The report shall include an estimation of the volume and aerial extent of the discharge and photographs of the remedial activities and completed cleanup conditions.

I, Michael P. McCann, Assistant Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Addendum No. 1 to Cleanup and Abatement Order No. R9-2008-0074 on October 1, 2008.



MICHAEL P. McCANN
Assistant Executive Officer

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Dr. William Montz
 14272 Jerome Drive
 Poway, CA 92064

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 (Transfer from service label)

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 City, State, ZIP+4: Poway, CA 92064

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